

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

EZRA SMITH,)	
)	
Plaintiff,)	CIVIL ACTION FILE NO.
)	1:24-cv-05158-TWT
v.)	
)	
DEPUTY MONIQUE TRACEY,)	
DEPUTY RAUL GOMEZ, DEPUTY)	
SHENEQUA JACKSON, and ERICA)	
SANCHEZ,)	
)	
Defendants.)	

**DEFENDANT ERICA SANCHEZ’S BRIEF IN SUPPORT OF
MOTION FOR LEAVE TO FILE DOCUMENTS UNDER SEAL**

Defendant Erica Sanchez submits this brief in support of her request for leave to file Document 12 under seal. In support of the request for leave, Defendant Sanchez submits the following:

I. Introduction

Defendant Sanchez seeks leave to file Plaintiff’s medical and mental health records under seal because neither she nor NaphCare, Inc., can waive Plaintiff’s privacy rights relating to the records. Under the current circumstances, Plaintiff’s privacy interests weigh in favor of allowing the medical and mental health records to be filed under seal. Although Plaintiff implicitly waives certain privacy rights by

filing his lawsuit seeking redress for purported civil rights violations and personal injuries, Defendant Sanchez does not want to improperly enlarge or expand Plaintiff's waiver to his full NaphCare medical and mental health records. Therefore, in an abundance of caution, she seeks leave to file the records under seal.

II. Procedural Posture

On November 12, 2024, Plaintiff filed his complaint alleging deliberately indifferent medical care against Defendant Sanchez. (Doc. – 1). On January 29, 2025, Defendant Sanchez was served with the complaint, and the proof of service was filed on February 4, 2025. (Doc. – 10). On February 19, 2025, Defendant Sanchez filed her Motion to Dismiss (Doc. – 11), Brief in Support of Motion to Dismiss (Doc. – 11-1), Exhibit A (Plaintiff's NaphCare Medical Records; Doc. – 12, provisionally under seal), and Exhibit B (Doc. – 11-2).

III. Argument and Citation of Authority

This Court should allow Defendant Sanchez to file Document 12 under seal. Regarding the factors used to determine whether a party can overcome the common law right to access documents, the courts have said the following:

Whether good cause exists is decided by the nature and character of the information in question. In balancing the public interest in accessing court documents against a party's interest in keeping the information confidential, courts consider, among other factors, whether allowing access would impair court functions or harm legitimate

privacy interests, the degree of and likelihood of injury if made public, the reliability of the information, whether there will be an opportunity to respond to the information, whether the information concerns public officials or public concerns, and the availability of a less onerous alternative to sealing the documents.

Romero v. Drummond Co., 480 F.3d 1234, 1246 (11th Cir. 2007). The public interest of reviewing Plaintiff's private medical records is low when compared to Plaintiff's privacy because the records include medical and mental health treatment, diagnoses, and conditions. Court functions would not be hindered by allowing the records to be filed under seal because the relevant, *public* aspects of Plaintiff's records are outlined in Defendant Sanchez's Brief in Support of her Motion to Dismiss and provides sufficient, reliable information to the public without the need for the full records to be available. This information in the records do not relate to public officials or public concerns. Plaintiff is a private citizen, and while his complaint relates to actions taken while at the Rockdale County Jail, at this early stage of litigation, the full medical and mental health records used in Defendant Sanchez's Motion to Dismiss are not documents required to be viewed to understand the aspects of Plaintiff's causes of action that are purportedly of public concern. Defendant Sanchez is willing to defer to Plaintiff relating to how much, if any, of the information within his medical and mental health records should be unsealed and available for public view.

IV. Conclusion

At this time and for good cause shown, Defendant Sanchez requests that this court grant her leave to submit Plaintiff's medical and mental health records under seal.

Respectfully submitted this 20th day of February, 2025.

/s/Antonio E. Veal

Michael G. Frankson

Georgia Bar No.: 173835

Antonio E. Veal

Georgia Bar No.: 460007

Lindsey Adams

Georgia Bar No.: 288816

Counsel for Defendant Erica Sanchez

HUFF, POWELL & BAILEY, LLC

999 Peachtree Street, Suite 950

Atlanta, Georgia 30309

Telephone: (404) 892-4022

Fax: (404) 892-4033

Email: mfrankson@huffpowellbailey.com

Email: aveal@huffpowellbailey.com

Email: ladams@huffpowellbailey.com

CERTIFICATE OF SERVICE

The undersigned counsel certifies that the foregoing DEFENDANT ERICA SANCHEZ'S BRIEF IN SUPPORT OF MOTION FOR LEAVE TO FILE DOCUMENTS UNDER SEAL was electronically filed using the CM/ECF system which will automatically send e-mail notification of such filing to all attorneys of record.

James M. Slater
Slater Legal PLLC
2296 Henderson Mill Road, NE, Number 116
Atlanta, Georgia 30345
james@slater.legal

Jeff Filipovits
Wingo F. Smith
SPEARS & FILIPOVITS, LLC
315 W. Ponce de Leon Ave
Ste 865
Decatur, GA 30030
jeff@civil-rights.law
wingo@civil-rights.law

Respectfully submitted this 20th day of February, 2025.

/s/Antonio E. Veal
Michael G. Frankson
Georgia Bar No.: 173835
Antonio E. Veal
Georgia Bar No.: 460007
Lindsey Adams
Georgia Bar No.: 288816

Counsel for Defendant Erica Sanchez

HUFF, POWELL & BAILEY, LLC
999 Peachtree Street, Suite 950
Atlanta, Georgia 30309
Telephone: (404) 892-4022
Fax: (404) 892-4033
Email: mfrankson@huffpowellbailey.com
Email: aveal@huffpowellbailey.com
Email: ladams@huffpowellbailey.com